

Bonus Interactive Activity:

Information Sharing Between Community Treatment Providers and Probation Officers

Introduction:

When an individual is court-ordered to treatment or referred to treatment by a probation officer (PO), one of the probation officer's (PO's) responsibilities is to monitor the individual's compliance with any required assessments and treatment plans. The PO may request to exchange information with you during the referral process, treatment initiation, and while receiving treatment. Many probation agencies require individuals on supervision to sign a standard release of information that details the specific information to be shared between the PO and the community provider. The PO will typically send the signed release to the treatment provider during the referral process. If you do not receive a signed waiver, you should follow up with the PO to request one in order to provide information about a client's treatment without violating HIPAA laws.

Some community treatment providers may be concerned that sharing information about a client's treatment plan or their progress to the client's PO may affect the individual's outcome in the legal system and disrupt the therapeutic relationship. It is important to acknowledge that court-ordered treatment can introduce unique dynamics. The following vignette illustrates a common scenario that emerges when an individual is engaged in court-ordered treatment or referred to treatment by a PO.

Instructions: Please read the following vignette and consider the questions below.

Angela Smith has been your client at the community treatment agency for approximately eight weeks. Ms. Smith was referred to your agency by her probation officer as part of a court order. The court order indicates that Ms. Smith must participate in a substance use assessment and comply with treatment, as recommended. The assessment is complete, and you worked with Ms. Smith to develop a treatment plan that includes medication for her opioid use disorder and weekly outpatient counseling. Ms. Smith has appeared for seven of her eight weekly appointments and is actively participating in her treatment. During her third week in treatment, Ms. Smith had a return to use and missed one appointment with you. She contacted you the day after her missed appointment, disclosed her return to use, and requested an appointment to discuss what led to the use. Ms. Smith appeared for the appointment, was able to identify the factors that led to her return to use, and made appropriate changes in her daily routine.

Ms. Smith has a court review hearing in two weeks and her probation officer has reached out to you and provided a signed release of information from the client that complies with the HIPAA standards. The release requests that you provide information about Ms. Smith's treatment attendance and treatment progress. It also requests information on any return to use.

1. What is your initial reaction to this request for information and what concerns, if any, do you have about providing the information requested?

2. Given the frequency with which this type of scenario occurs, what steps can you take at the time of referral to establish a productive working relationship with the probation officer that acknowledges the officer's obligation to provide information to the court, while addressing concerns you may have to best manage these types of requests?
3. How might you review the signed release of information with the client at the time of referral and discuss the types of information you will provide to the probation officer so that your therapeutic relationship can be maintained?
4. How might you discuss with the client how they can report the return to use and the missed appointment to their probation officer so that they can proactively provide the information, demonstrate their progress in treatment, and advocate for themselves?
5. How might you convey the information to the probation officer and the court in a way that frames the return to use as a routine part of treatment and frame the client's progress in a positive light? Would communication in writing, telephone, or both be effective in engaging the officer?